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28 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

18 PLAYERS NETWORK, INC.,

19 Case No.: 2:14-cv-00238-GMN-GWF

20 Plaintiff,

21 vs.

22 COMCAST CORPORATION, et al.

23 Defendants.

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STIPULATION TO MODIFY
DISCOVERY PLAN AND
SCHEDULING ORDER
(First Request)
SPECIAL SCHEDULING REVIEW
REOUESTED

1 Plaintiff, Players Network, Inc., by and through its attorney, Barney C. Ales, Esq. of
 2 BARNEY C. ALES, LTD., and Defendants, Comcast Corporation, Comcast Programming
 3 Development, Inc., and Comcast Cable Communications LLC (the “Comcast Defendants”), by
 4 and through their attorneys, Abran E. Vigil, Geoffrey A. Kahn, and William B. Igoe of
 5 BALLARD SPAHR LLP, respectfully submit this Stipulation to Modify Discovery Plan and
 6 Scheduling Order pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and LR 26-1.

7 **1. Status of Discovery.** On August 15, 2014, the Court entered a Discovery Plan
 8 and Scheduling Order that reflected the parties’ agreement that discovery would be conducted in
 9 phases [Doc. 31]. The first phase of discovery was scheduled to close on December 26, 2014,
 10 but the Court subsequently entered a Stipulation and Order extending the deadline to February
 11 24, 2015, assuming the Court did not rule on the Comcast Defendants’ pending motion to
 12 dismiss the Amended Complaint prior to that time [Doc. 35].

13 On February 2, 2015, the Court entered an order granting in part and denying in part the
 14 Comcast Defendants’ motion to dismiss the Amended Complaint [Doc. 36]. The order permitted
 15 Players Network to file a Second Amended Complaint by March 5, 2015. On March 20, 2015,
 16 the Court entered a Discovery Plan and Scheduling Order to govern the remaining discovery in
 17 the case and other deadlines [Doc. 41].

18 The parties have been diligent and have made substantial progress in completing
 19 discovery, including exchanging initial disclosures under Fed. R. Civ. P. 26(a)(1), serving and
 20 responding to written requests for discovery, producing documents, and taking the depositions of
 21 eight witnesses with knowledge relating to the dispute. The parties submit this Stipulation to
 22 Modify Discovery Plan and Scheduling Order to address the remaining discovery in this action.

23 **2. Discovery Plan.** The parties propose the following discovery plan:

24 **a. Subjects of Discovery.** The balance of discovery will address expert
 25 disclosures and depositions and remaining factual issues relevant to this action.

26 **b. Discovery Cut-Off Date(s).** The cut-off date for fact discovery will be
 27 January 29, 2016, which is 314 days from the deadline for the Comcast Defendants to answer or
 28 otherwise respond to the Second Amended Complaint and 667 days after the Comcast

Defendants' first appearance in this action. This amount of time exceeds the 180 day presumptive limit under LR 26-1(e)(1). The additional time is necessary due to the nature of the issues in this litigation and to accommodate the phased discovery schedule to which the parties agreed.

c. **Fed. R. Civ. P. 26(a)(2) Disclosure (Experts).** The deadline for the Comcast Defendants' expert disclosures will be October 23, 2015.

4. Other Items.

a. **Dispositive Motions.** The deadline for dispositive motions will be February 29, 2016.

b. Pretrial Order. If no dispositive motions are filed, the pretrial order will be filed by March 30, 2016. If dispositive motions are filed, the date for filing the joint pretrial order will be suspended until 30 days after the Court rules on such motions.

c. **Fed. R. Civ. P. 26(a)(3) Disclosures.** The deadline for filing and serving the disclosures required by Fed. R. Civ. P. 26(a)(3) shall be 30 days before the date scheduled for trial.

d. Court Conference. The parties do not request a conference with the Court before entry of the scheduling order.

e. **Trial Dates.** The parties do not anticipate that the deadline extensions proposed herein will affect the proposed trial dates contained in the September 3, 2015 Joint Interim Status Report [Doc. 53].

1 DATED: October 7, 2015.

2 BARNEY C. ALES, LTD.

3 By: /s/ Barney C. Ales

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9 Attorneys for Defendants Comcast
10 Corporation, Comcast Programming
11 Development, Inc., and Comcast Cable
12 Communications, LLC

13 **IT IS SO ORDERED:**

14 
15 GEORGE FOLEY, JR.
16 United States Magistrate Judge

17 Dated: October 13, 2015

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